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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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09/724,892

11/28/2000

Kenneth H. Abbott

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10/06/2006

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC

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SUITE 6300

SEATTLE, WA 98104-7092

EXAMINER

VU, VIET DUY

ART UNIT

PAPER NUMBER

2154

DATE MAILED: 10/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/724,892

Applicant(s)

ABBOTT ET AL.

Examiner

Viet Vu

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-51, 54-67 and 81-114 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 58-65 and 82-114 is/are allowed.
6) ☒ Claim(s) 9-51, 54-57, 66, 67 and 81 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 8/06.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

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Art Rejection:

1. The text of 35 USC 103(a) not cited here can be found in the previous office action.

2. Claims 9-51, 54-57, 66-67 and 81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koo et al, U.S. pat. No. 6,704,785.

Per claims 9-10 and 13-15, Koo discloses an event-based information delivery system comprising:

a) an event service (40, fig. 3) comprising a plurality of channels for receiving first and second user's subscription requests indicating interests in receiving data from one or more sources (see col 6, lines 5-8 and col 9, lines 4-14);

b) in response to each stored value (e.g. message) for the indicated data received from the sources, automatically supplying the first and/or second clients have interests in receiving the value and supplying the stored/received value to the clients (see col 3, lines 47-53).

Koo does not disclose specific interactions between the event service and source/client for initiating data transmitted from publishers to the event service and clients.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize any

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conventional data handshaking between the source and destination including pair of request and reply/acknowledge messages in Koo because it would have enabled proper data transfer between the publishers and event service and/or clients.

Per claims 11-12, 18-23 and 81, it is noted that Koo's teaching is applicable to delivering different types of data from various sources including timely formation, alerts notifications, etc., (see col 1, lines 50-55). It would have been further obvious to one skilled in the art to utilize Koo's invention to deliver any known types of data for use in different applications to the users including computer-related data, environmental and/or user-specific data.

Per claims 16 and 31-34, Koo teaches enabling client to register and receive data based upon select criteria, i.e., specific level of service, e.g., resource allocation, security, etc., (see col 11, line 56-col 12, line 11). For instance, a data delivery can only be initiated when certain level of security can be established (security purpose) or when predetermined bandwidth can be allocated (performance criteria).

Per claim 17, Koo teaches storing all values received from the sources (see col 7, lines 58-62).

Per claims 24, Koo teaches registering the source before receiving value from the source (see col 6, lines 28-32 and col 7, lines 35-41 and 58-62).

Per claims 36-37 and 46-49, Koo teaches executing software instructions to control operations at the sources, the clients and the event service (see col 10, lines 49-54).

Per claims 38-39, Koo further teaches restricting system use to authorized publishers or clients (see col 7, lines 35-41). It would have been obvious to one skilled in the art to utilize any conventional authentication step for verifying authorized users.

Per claims 25-30, 35 and 40-45, it is noted that Koo's teachings encompass all claim limitations.

Claims 50-51, 54-57 and 66-67 are similar in scope as that of claims 9-49 and 81.

Allowable Subject Matter:

3. Claim 58-65 and 82-114 are allowed over prior art of record.

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Response to Arguments:

4. Applicant's arguments filed 8/11/06 with respect to claims 9-51, 54-57, 66-67 and 81 are moot in view of new grounds of rejection set forth above.

Conclusion:

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Viet Vu whose telephone number is 571-272-3977. The examiner can normally be reached on Monday through Friday from 7:00am to 4:00pm. The Group general information number is 571-272-2100. The Group fax number is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee, can be reached on 571-272-3964.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**VIET D. VU
PRIMARY EXAMINER**

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9/18/06